

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JEFFREY ALLEN BURGESS

Criminal No. 17-70
[UNDER SEAL]

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Soo C. Song, Acting United States Attorney for the Western District of Pennsylvania, and Cindy K. Chung and Rachael L. Dizard, Assistant United States Attorneys for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A one-count Indictment was filed against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Hate Crimes Prevention Act November 22, 2016	18 U.S.C. § 249(a)(1)

II. ELEMENTS OF THE OFFENSE

As to Count 1:

In order for a violation of the Hate Crimes Prevention Act (18 U.S.C. § 249(a)(1)), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. The defendant willfully caused bodily injury to a person; AND
2. The defendant acted because of the actual or perceived race, color, or

national origin of that person.

III. PENALTIES

As to Count 1: Hate Crimes Prevention Act (18 U.S.C. § 249(a)(1)):

1. A term of imprisonment of not more than ten (10) years;
2. A fine of not more than \$250,000.00;
3. A term of supervised release of not more than three (3) years.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Restitution may be required in this case as to Count One, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

SOO C. SONG
Acting United States Attorney



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